

Iowa's
TRUE aim
student achievement is the target

Accessible Instructional Materials

26-March-2009

What We'll Cover Today

1. IDEA (2004 Reauthorization) requires LEAs to ensure that all students with IEPs who require AIM receive these materials in a timely manner. Students with disabilities on Section 504 Plans are covered under the Chafee Amendment.
2. AIM refers to textbooks, core related instructional materials, and all other printed materials that students (K-12) would use in their classrooms.
3. Timely manner is defined in the Rules of Special Education as “at the same time as non-disabled peers receive their textbooks and core related instructional materials.”
4. AIM can be rendered in four Specialized Formats: Braille, Large Print, Audio, and Digital Text.
5. IDEA also requires that LEAs who purchase textbooks and core related instructional materials after July 19, 2006 must require publishers/vendors in their purchasing agreements to send a National Instructional Materials Accessible Standards (NIMAS) Conformant Fileset of the textbook(s) to the National Instructional Materials Accessible Center NIMAC). The federal Office of Special Education Programs (OSEP) has taken the position that every textbook and related core materials sold by K-12 publishers (i.e., works still “in print” as opposed to “out of print”) after July 19, 2006 is subject to a request for conversion to NIMAS filesets and subsequent submission to the NIMAC. Sample language is available at the Iowa Department of Education.
6. Who are eligible students who have a print disability and require AIM.

IDEA 2004 Section 300.172

Accessible Instructional Materials

- Provisions within IDEA 2004 require that textbooks and related core instructional materials be provided to students with print disabilities in specialized formats **in a timely manner**

Resources

[IDEA Language](#) 

Why are specialized formats needed?

- To provide students who are unable to obtain information through the use of traditional print materials with accessible materials appropriate to their individual needs
- To enable students with print disabilities to gain the information they need to:
 - complete tasks
 - master IEP goals
 - access the general education curriculum


Definitions

- Textbooks and Core Instructional Materials
- Specialized Formats
- Timely Manner

Textbooks and Core Instructional Materials

- Printed textbooks and related printed core materials
 - Texts are written and published primarily for use in elementary and secondary school instruction
 - Does not include other types of books and trade publications
- Materials required by students for use in the classroom

Specialized Formats




- Braille
- Large Print
- Audio
- Digital Text 

Timely Manner

“Delivering those accessible instructional materials **at the same time** as other children receive instructional materials”

Iowa Rules of Special Education – 41.172 (1) b 

Eligible Students

- Students eligible under the Copyright Act as Amended (Chafee Amendment)
 - Students with an IEP of Section 504 Plan
[See Guidance for Eligible Students](#) 
- Students not eligible under the Copyright Act as Amended (Non-Chafee Amendment)
 - Students with an IEP or Section 504 Plan
[See Guidance for Non-Eligible Students](#) (coming) 
[For more info see MATRIX](#) 

Eligible Students Under the Copyright Act as Amended

as Determined by Competent Authority

- Students who are **blind**
- Students with **visual impairments**
- Students with **physical limitations** so that they are unable to read or unable to use standard printed material
- Students with a **reading disability resulting from organic dysfunction** and of sufficient severity to prevent their reading printed material in a normal manner

Competent Authorities for Blindness and Physical Disabilities

- In cases of blindness, visual disability, or physical limitations:
 - Doctors of Medicine, Doctors of Osteopathy
 - Ophthalmologists, Optometrists
 - Registered nurses, Therapists
 - Professional staff including social workers, case workers, counselors, teachers, and superintendents

Iowa Department for the Blind (IDB) Form 

- In cases of a reading disability caused by an organic dysfunction: MDs/DOs who may consult with colleagues in associated disciplines

University of Iowa Physician's Form 



Do **all** students who have reading difficulties have print disabilities?

- Not all students with reading difficulties meet the criteria for “print disabilities” under the Copyright Act as Amended
- Students with “print disabilities” under the Copyright Act as Amended are those who have been **certified by a competent authority** as unable to read printed materials because of visual impairment or blindness, physical limitations, or an organic dysfunction

Chafee Amendment Summary

(Copyright Act as Amended)

- Creating materials in specialized formats does not require permission from publishers if done by **authorized entities**
- Authorized entities are **nonprofit organizations** or **governmental agencies** that have a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities

How are NIMAS & Copyright Related?

- NIMAS is intended to help expedite the process for providing print instructional materials in the classroom to students who qualify for print instructional materials in specialized formats as set forth under the Copyright Act as Amended.

Supports for Providing Specialized Formats for Students

NIMAS

National Instructional Materials Accessibility Standard

XML file that can be rendered in different specialized formats

NIMAC

National Instructional Materials Accessibility Center

maintains files sent from publishers that can be transformed into specialized formats for use by qualified students


National Instructional Materials Accessibility Standard (NIMAS)

- The standard established by the federal department of education
- To be used by publishers in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats for students with print disabilities
- Files are not student-ready and must be converted by IDB into the appropriate format

National Instructional Materials Access Center (NIMAC)

- National repository (library) for NIMAS files
- Receives and maintains a catalog of print instructional materials, including textbooks, prepared in NIMAS format
- Provides access to core print instructional materials:
 - in accessible media
 - free of charge
 - to persons who are blind or other persons with print disabilities
 - in elementary and secondary schools
- Maintains procedures to protect against copyright infringement
- Searchable but only IDB is authorized to download files

IEP Team Responsibilities

- If a student meets the qualifications set forth in the Copyright Act as Amended (Chafee), take the required steps to obtain and/or prepare the specialized formats through the **Iowa Department for the Blind**
- The Department of Education has designated the IDB as the **authorized user** to the NIMAC
- Please go the [IDB website](#) for further instructions 

Students **Not Eligible** Under the Copyright Act as Amended

What about students who are **not** certified as having a “print disability” under the Copyright Act as Amended, but still have difficulty obtaining and using information from printed materials?

What Federal Regulations Say

- The Final regulations of IDEA 2004 **require** that state education agencies make provisions for providing accessible instructional materials to students with disabilities
 - Who are not included under the definition of blind or other persons with print disabilities
 - When the materials are not producible from NIMAS files
 - In a timely manner as defined by the state

District Responsibilities for Students Who are **Not Eligible**

- Identify specialized formats required by the student
- Identify instruction, supports, services, and/or training that will be needed by the student and others to use the materials effectively
- Review what current publisher agreement allows in terms of specialized formats
- Obtain a hard copy book for all students

Not Eligible Under the Copyright Act as Amended (Continued)

- Secure permission from publisher to allow district to develop specialized formats
- Re-negotiate current contract with publisher for specialized formats
- LEAs create specialized formats (care must be taken to adhere to copyright law – assurance that the materials will be used for THAT student and not ALL students)
- Work with AEAs for specialized format assistance

IEP Team Responsibilities

- Related to the selection, acquisition, and use of accessible instructional materials for **ALL** students

Resources

[Determination of a Print Disability](#) 

[Physicians Form](#) 

IEP Team Responsibilities

(Continued)

- First, the team determines if the student needs instructional materials in specialized formats...
 - Review the student's evaluation information and present levels of achievement to determine whether the student has a disability-related difficulty with tasks related to print-based core instructional materials used across the curriculum
 - Determine whether the student needs instructional materials in specialized formats

IEP Team Responsibilities

(Continued)

- Then, if the team determines that the student needs instructional materials in specialized formats, they must...
 - Decide upon the specialized formats needed by the student
 - Identify instruction, supports, services, and/or training will be needed by the student and others to use the materials effectively
 - Determine whether the student can be certified as having a print disability under the Copyright Act as Amended
 - Take steps to obtain and/or prepare specialized formats

Whether or Not the Student is Copyright Exempt, the Team Must...

- Determine the specialized formats needed by the student
- Identify instruction, supports, services, and/or training needed by the student and others to use the materials and formats effectively
- Take steps to obtain and/or prepare specialized formats

Resources

[LEA Responsibilities](#) 

[Role of the Digital Rights Manager](#) 



Remember... If the Student is not Copyright Exempt



- NIMAS files may **not** be accessed through the NIMAC
- If the IEP team determines that a student needs materials in a specialized format but the student is not copyright exempt the state system must provide guidance on how to acquire the needed specialized formats
- Producing specialized formats yourself does not relieve you of the responsibility to protect copyright

Resources

[Not Eligible Under Chafee – Flow Chart](#) 



Resources

- <http://trueaim.iowa.gov/> 
- <http://www.blind.state.ia.us/library/eligible.htm> 
- <http://nimas.cast.org/> 